

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT**

IN RE:

CHRISTOPHER D. WYMAN,
DEBTOR,

CASE NO. 12-32264-dof
CHAPTER 7
HONORABLE DANIEL S. OPPERMAN

Samuel D. Sweet, Trustee,
Plaintiff,
v.

Adv. No. 19-03018

Michael E. Tindall, Individually and as 100%
assignee of Barbara Duggan,
Defendant.

/

**TRUSTEE'S RESPONSE TO CLAIMANT'S NOTICE OF
UNRESOLVED AND OUTSTANDING ISSUES**

NOW COMES Trustee, Samuel D. Sweet, ("Trustee"), by and through his counsel, Samuel D. Sweet, PLC, and in response to Claimant's Notice of Unresolved and Outstanding Issues states as follows:

1. The Trustee believes that the issue raised by Michael Tindall is not proper.
2. A review of the counter claims raised by Tindall with respect to this Adversary Proceeding indicate that no state law matter has even been identified in any of the counter claims. On August 23, 2019, the District Court under Denise Page Hood case # 19-11756 of the Eastern District of Michigan Southern Division specifically provided that the counter claims raised by Michael Tindall constituted core matters pursuant to 28 U.S.C. Section 157, and not premised on state law claims. See page 7 of Opinion. See attached Order Denying Motion to Withdraw Reference [#1] and Administratively Closing Case.
3. The counter claims specifically relate to the administration of this bankruptcy estate.
4. This case is unlike the cases of Stern v Marshall, 564 U.S. 462 (2011), and Waldman v Stone, 698 F 3rd 913, (2012), in that those were cases in which fraudulent activities

occurred prior to the bankruptcy and unrelated to the bankruptcy. The claims that Tindall alleges occurred as a specific result of the administration of the bankruptcy and as such are clearly within this court's jurisdiction. This court does not lack constitutional authority to adjudicate these counter claims given the counter claims don't raise state law issues. The counter claims are specifically related and intertwined with the bankruptcy administration.

WHEREFORE, for the reasons stated above the Trustee requests this Honorable Court deny the unresolved issues notice of Michael Tindall and grant the Trustee any such other further relief that this Court deems fair and equitable.

Respectfully submitted,

SAMUEL D. SWEET, PLC

By: /s/ Samuel D. Sweet
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Dated: 11/4/2022

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the following:

Trustee's Response to Claimant's Notice of Unresolved and Outstanding Issues, along with
a copy of this Certificate of Service

was electronically served on the 4th day of November, 2022, upon:

Dennis L. Perkins
Attorney for Debtor
bkperk@sbcglobal.net
(Via ECF Only)

*was served via First Class Mail, pre-paid postage, on this 4th day of November, 2022, addressed
as follows:*

Christopher D. Wyman
6241 Grand River Road
Brighton, MI 48114

Michael E. Tindall
18530 Mack Ave., Ste. 430
Detroit, Michigan 48236

/s/ Jessica A. Will
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